

**AMENDMENT**

**OFFERED BY M**     .

Add at the end of the bill the following (and update the table of contents accordingly):

1     **TITLE**      **—MISCELLANEOUS**

2     **SEC.     . REFORMS TO DEFINE PARAMETERS FOR MODEL**  
3                 **TESTING AND ADD ACCOUNTABILITY TO**  
4                 **MODEL EXPANSION UNDER THE CENTER FOR**  
5                 **MEDICARE AND MEDICAID INNOVATION.**

6         (a) CONGRESSIONAL APPROVAL FOR PHASE II  
7     MODEL EXPANSION.— Section 1115A(c) of the Social Se-  
8     curity Act (42 U.S.C. 1315a(c)) is amended—

9             (1) in paragraph (3), by striking the period  
10            after “applicable individuals” and inserting “; and”;  
11            and

12            (2) by adding at the end the following new  
13            paragraph:

14                 “(4) the Congress provides formal assent to the  
15                 expansion through the following procedure—

16                         “(A) In order to gain Congressional assent  
17                         for Phase II model expansion, the Secretary of  
18                         Health and Human Services shall transmit the  
19                         expansion proposal, including the proposed ef-

1           fective date and a summary of the information  
2           addressed in subsections (c)(1), (c)(2), and  
3           (c)(3) above to the Committee on Ways and  
4           Means and the Committee on Energy and Com-  
5           merce of the House of Representatives and to  
6           the Committee on Finance and the Committee  
7           on Health, Education, Labor and Pensions of  
8           the Senate.

9           “(B) The succeeding paragraphs of this  
10          subsection are enacted by Congress as an exer-  
11          cise of the rulemaking power of the Senate and  
12          the House of Representatives, respectively, and  
13          as such they shall be deemed a part of the rules  
14          of each House, respectively, but applicable only  
15          with the respect to the procedure to be followed  
16          in that House in the case of resolutions de-  
17          scribed in paragraph (C). They shall supersede  
18          other rules only to the extent that they are in-  
19          consistent therewith. They are enacted with full  
20          recognition of the constitutional right of either  
21          House to change the rules (so far as relating to  
22          the procedure of that House) at any time, in  
23          the same manner and to the same extent as in  
24          the case of any ruse of that House.

1           “(C) For the purpose of the succeeding  
2 paragraphs of this subsection, ‘resolution’  
3 means only a joint resolution, the matter after  
4 the resolving clause of which is as follows: ‘The  
5 proposed Phase II expansion transmitted to  
6 Congress by the Secretary on \_\_\_\_\_ is here-  
7 by approved.’, the blank space therein being  
8 filled with the date on which the Secretary’s  
9 message proposing the expansion was delivered.

10           “(D) A resolution shall be referred to the  
11 Committee on Ways and Means and the Com-  
12 mittee on Energy and Commerce of the House  
13 of Representatives and to the Committee on Fi-  
14 nance and the Committee on Health, Edu-  
15 cation, Labor and Pensions of the Senate.

16           “(E) If a committee to which has been re-  
17 ferred a resolution has not reported it before  
18 the expiration of 10 calendar days after its in-  
19 troduction, it shall then (but not before) be in  
20 order to move to discharge the committee from  
21 further consideration of that resolution, or to  
22 discharge the committee from further consider-  
23 ation of any other resolution with respect to the  
24 proposed expansion which has been referred to  
25 the committee. The motion to discharge may be

1           made only by a person favoring the resolution,  
2           shall be highly privileged (except that it may  
3           not be made after the committee has reported  
4           a resolution with respect to the same proposed  
5           expansion), and debate thereon shall be limited  
6           to not more than 1 hour, to be divided equally  
7           between those favoring and those opposing the  
8           resolution. An amendment to the motion is not  
9           in order, and it is not in order to move to re-  
10          consider the vote by which the motion is agreed  
11          to or disagreed to. If the motion to discharge  
12          is agreed to or disagreed to, the motion may  
13          not be renewed, nor may another motion to dis-  
14          charge the committee be made with respect to  
15          any other resolution with respect to the same  
16          proposed expansion.

17                 “(F) When the committee has reported, or  
18                 has been discharged from further consideration  
19                 of a resolution, it is at any time thereafter in  
20                 order (even though a previous motion to the  
21                 same effect has been disagreed to) to move to  
22                 proceed to the consideration of the resolution.  
23                 The motion is highly privileged and is not de-  
24                 batable. An amendment to the motion is not in  
25                 order, and it is not in order to move to recon-

1           sider the vote by which the motion is agreed to  
2           or disagreed to. Debate on the resolution shall  
3           be limited to not more than 2 hours, which  
4           shall be divided equally between those favoring  
5           and those opposing the resolution. A motion  
6           further to limit debate is not debatable. An  
7           amendment to, or motion to recommit, the reso-  
8           lution is not in order, and it is not in order to  
9           move to reconsider the vote by which the resolu-  
10          tion is agreed to or disagreed to.

11           “(G) Motions to postpone, made with re-  
12          spect to the discharge from committee, or the  
13          consideration of, a resolution and motions to  
14          proceed to the consideration of other business  
15          shall be decided without debate. Appeals from  
16          the decision of the Chair relating to the applica-  
17          tion of the rules of the Senate or the House of  
18          Representatives, as the case may be, to the pro-  
19          cedure relating to a resolution shall be decided  
20          without debate.”.

21          (b) REESTABLISHING JUDICIAL REVIEW.—Para-  
22          graph (2) of section 1115A(d) of the Social Security Act  
23          (42 U.S.C. 1315a(d)) is amended—

24                 (1) by striking subparagraph (C) (and redesignig-  
25          nating accordingly);

1 (2) by striking subparagraph (F); and

2 (3) in the first sentence, by inserting after “no  
3 judicial or administrative review under section 1869,  
4 section 1878, or otherwise” the following: “(except  
5 as may be necessary to enforce requirements of this  
6 section or other laws or constitutional provisions in-  
7 tended to protect beneficiaries of affected pro-  
8 grams)”.

9 (c) DEFINING MODEL TESTING PARAMETERS.—Sec-  
10 tion 1115A(b) of the Social Security Act (42 U.S.C.  
11 1315a(b)) is amended by adding at the end of paragraph  
12 (1) the following: “Models tested in Phase I under this  
13 subsection shall have a duration of no more than 5 years  
14 and shall not include more beneficiaries than the lesser  
15 of—

16 (A) 25 percent of the defined population  
17 targeted by the model; or

18 (B) 500,000 beneficiaries.”.

19 (d) APPLICABILITY AND EFFECTIVE DATE.—The  
20 amendments made by this section shall apply to any test  
21 of a model under subsection (b) of section 1115A of the  
22 Social Security Act (42 U.S.C. 1315a) that is initiated by  
23 a request for applications, a proposed or final rule, or

- 1 other announcement initiating the test published on or
- 2 after the date of enactment of this Act.

